

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re:

RANDY R RICKERT

NOTICE OF HEARING AND  
MOTION FOR DISMISSAL

Debtor(s).

BKY Case No. 03-60680-DDO  
Chapter 13

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TO: All parties in interest under Local Rule 9013-3.

1. Michael J. Farrell, Chapter 13 Trustee, moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion on July 27, 2004 at 10:00 a.m. in Courtroom 2 – 2<sup>nd</sup> Floor, 118 South Mill Street, Fergus Falls, Minnesota, 56537.

3. Any response to this motion must be filed and delivered not later than 10:00 a.m. on July 22, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than July 16, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. The Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334, Fed. R. Bankr. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 13 case was filed on 05/28/2003. This case is now pending in this Court.

5. This motion arises under 11 U.S.C. §1307 and Fed. R. Bankr. P. 1017. This motion is filed under Fed. R. Bankr. P. 9013 and Local Rule 9013-1. Movant requests relief with respect to dismissing this case.

6. The debtor(s) have failed to make payments as outlined in the court-approved plan. To date, the debtor(s) have paid \$3,871.44. The debtor(s) are in default in the amount of 1,290.48. The last payment was on March 24, 2004 in the amount of \$1,720.64.

The default amount stated is as of the date of this filing and does not include any payment that may come due before the hearing date stated above.

Wherefore, the Trustee moves the court for an order to dismiss this case and such other relief as may be just and equitable.

Dated: June 30, 2004

/s/ Michael J. Farrell

Michael J. Farrell, Standing Trustee  
PO Box 519  
Barnesville, MN 56514  
(218) 354-7356

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re:

RANDY R RICKERT

Debtor(s).

BKY CASE NO 03-60680-DDO  
UNSWORN DECLARATION FOR  
PROOF OF SERVICE

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The undersigned, being an employee of the standing Chapter 13 Trustee, declares that on the date indicated below, I served the following:

Notice of Hearing and Trustee's Motion to Dismiss  
and Unsworn Declaration of Proof of Service

Upon each of the entities named below, by mail (unless otherwise indicated below) by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at Barnesville, Minnesota, addressed to each of them as follows:

**Debtor(s):**

RANDY R RICKERT  
18221 163RD AVE  
OSAKIS, MN 56360

**Debtor's Attorney:**

BRENDA VELDE  
VELDE LAW FIRM  
1118 BROADWAY  
ALEXANDRIA, MN 56308

**Additional Copy(s) addressed to:**

UNITED STATES TRUSTEE  
1015 U.S. COURTHOUSE  
300 S. 4<sup>TH</sup> ST.  
MINNEAPOLIS, MN 55415

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: June 30, 2004

/s/ Belinda D. Kurtz  
Belinda D. Kurtz  
Chapter 13 Office

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re:

RANDY R RICKERT

Case No. BKY 03-60680-DDO  
Chapter 13

Debtor(s).

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This matter came before the Court on July 27, 2004 at 10:00 a.m., or as soon thereafter as could be heard, on a motion by the Chapter 13 Trustee to dismiss this case. The appearances are as noted on the record. The court made its findings and conclusion on the record. Based on the Local and Federal Rules of Bankruptcy Procedure, it is

HEREBY ORDERED:

That this Chapter 13 Case is dismissed.

Dated: \_\_\_\_\_

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DENNIS D. O'BRIEN  
U.S. Bankruptcy Judge